

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
AUG 19 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Administration of the North
American Numbering Plan
Carrier Identification Codes (CICs)

CC Docket No. 92-237

**BELL ATLANTIC'S OPPOSITION TO
MCI'S LATEST REQUEST FOR DELAY**

MCI and its intended, WorldCom, together have more than 100 three-digit carrier identification codes ("CICs"), an inventory many times greater than any other carrier.¹ They amassed this inventory in spite of rationing of and limitations on three-digit CICs through their acquisitions of other carriers and those carriers' CICs. In a world in which three- and four-digit CICs (and the corresponding five- and seven-digit carrier access codes) coexist and consumers have to dial extra digits to use four-digit CICs, their stockpile of the preferred three-digit CICs and five-digit CACs gives these carriers an advantage over their competitors.

This explains why MCI, almost alone in the telecommunications industry, has resisted mightily the move to mandatory use of seven-digit access codes — it wants to preserve for as long as possible the competitive edge that its 100 plus three-digit codes give it.

MCI's latest plea for delay borders on the bizarre. On the one hand, it complains that some local exchange carriers are not far enough along in making the conversion to four-digit

¹ Information available on the NANPA's Web site shows 102 three-digit CICs assigned to MCI and WorldCom. <http://www.nanpa.com>. By contrast, these carriers have only three four-digit CICs.

No. of Copies rec'd 0 + 5
List A B C D E

CICs.² On the other hand, it seeks a special immediate “stay” against Bell Atlantic because Bell Atlantic is too far along in that process.

And, most bizarre, if the problem MCI complains about is a real one, it is of MCI’s own making. The Commission made it MCI’s responsibility to inform its customers about the new dialing arrangements before July 1st when exchange carriers began to send misdialed calls to announcements. If any significant number of callers are using the old access codes (and allegedly waiting too long to hear a recorded announcement), it is because MCI did not do as the Commission instructed. If MCI had done its job, none of its customers would hear any announcement at all.

Background

In April 1997, the Commission moved to make more CICs available to carriers and to ensure that dialing patterns would be the same regardless of what type of CIC a carrier had. The Commission concluded that “the use of only four digit Feature Group D CICs will serve the pro-competitive goals of the Act, as well as the specific objectives of Sections 251(e) and 251(b)(3).” To minimize the length of any dialing disparity, the Commission required that the transition from three-digit to four-digit CICs be completed by January 1, 1998.³ Unhappy with this speedy transition, MCI asked the Commission for a delay of more than three years.⁴ The Commission

² Petition for Emergency Stay (“MCI Pet”) at 2 (“the majority of LECs are hugely deficient in their conversion to 4-digit CICs [as m]ore than 56% of LEC end offices have yet to be converted”).

³ *Second Report and Order* ¶ 27; also *Declaratory Ruling* ¶ 22 (“we continue to be concerned about the dialing disparity that exists when both three and four-digit CICs are in use”).

⁴ *Order on Reconsideration* ¶ 12 n.44.

rejected this request and approved the six-month extension that other commentators had requested.⁵

MCI did not give up, and a few months later again asked for a delay, claiming that there was an “urgent need to immediately take action to extend the permissive dialing period.”⁶ The Commission again stayed the course and rejected MCI’s request.

The Latest MCI Petition

MCI’s latest effort is its eleventh hour “emergency” request to delay the Commission’s September 1st deadline for the conversion to mandatory dialing. MCI coupled this request with an essentially ex parte request that the Commission immediately stay Bell Atlantic’s efforts to implement the Commission’s orders.⁷

MCI’s complaint against Bell Atlantic boils down to the claim that it takes too long for a caller who incorrectly dials a call — who dials with an old five-digit access code — to hear the special intercept message Bell Atlantic provides for such calls.⁸ The fact is that Bell Atlantic implemented the three-digit CIC intercept message just like every other intercept message in its network. In fact, Bell Atlantic simply replaced a pre-existing CIC-related intercept message with

⁵ *Order on Reconsideration* ¶ 20.

⁶ *Declaratory Ruling* ¶ 2.

⁷ While MCI was able to messenger copies of its petition to at least six people at the Commission, it did not have the courtesy to deliver a copy to Bell Atlantic, leaving that service to the vagaries of the US Postal Service, which delivered MCI’s petition five days later. Given that MCI is asking the Commission to issue an order against Bell Atlantic “immediately” (MCI Pet at 1-2), MCI plainly intended to give Bell Atlantic no opportunity to respond.

⁸ MCI’s “evidence” here is not persuasive. Although its pleading repeats the 20 ring-100 second “horror story” three times (MCI Pet at 1, 3, 4), it notably fails to state how many times this happened out of its hundreds of test calls or provide any specifics about the incident. Bell Atlantic suspects that this occurrence is more prevalent in the first four pages of MCI’s petition than it is in the entire country.

this new message. The number of rings that a caller hears before the recording is played is the same for the three-digit CIC message as for other Bell Atlantic recordings. Nothing in the Commission's orders or rules or in the industry standards requires anything else.⁹

The real problem here — if there is one at all — is really of MCI's own making, because MCI has spent all its energies trying to delay full four-digit CIC implementation and not enough educating its customers about the new dialing arrangements. Under the schedule prescribed in the Commission's *Order on Reconsideration*, local exchange carrier networks have been able to recognize four-digit CICs at least since the beginning of this year. The Commission contemplated that interexchange carriers would prepare their networks and begin to educate their customers to dial the new seven-digit access codes at that time and that this educational program would result in calls being dialed correctly by June 30.¹⁰ If MCI had been doing its job, its customers would all be dialing correctly today and would never reach an intercept announcement. If MCI had done this, there would be no issue about any wait to hear the announcement.

⁹ The length of time a caller waits before hearing an announcement depends on the way the manufacturer designed the switch, not on anything Bell Atlantic does. For 46 percent of the switches Bell Atlantic uses, the wait can be no longer than 3 seconds. For the other 54 percent, the worst-case wait is 18 seconds. This would occur when the caller reaches the recording just after it has started and has to wait until it has completed and the replay begins. MCI claims that its test callers encountered a delay of up to 100 seconds, in an unspecified number of instances; Bell Atlantic is aware of no set of circumstances that would produce a delay of this magnitude, and its own test calls have not been able to produce any remotely comparable delay. Bell Atlantic also disagrees with MCI's suggestion that "limited central office trunking and switch port capacities" (MCI Pet at 4) are causing greater waiting times.

¹⁰ *Order on Reconsideration* ¶ 4.

Moreover, MCI offers no evidence that its customers are having any problems at all. It seeks this extraordinary relief based solely on an unsworn description, signed by one of its regulatory officials, of MCI “field tests” in which some of its employees and others placed test calls using different access codes and of the very unscientific results of this test.¹¹ It offers no evidence that any “real customers” have encountered any long waits before they heard recordings.

Even if MCI were correct on the facts — and it plainly is not — it has not justified a stay against Bell Atlantic. First, there is really nothing left to “stay.” Bell Atlantic has already completed the transition to four-digit CICs in 90 percent of its switches, on target to meet the Commission’s schedule. MCI’s petition was, therefore, largely moot as to Bell Atlantic even before it was filed.

Second, MCI has provided no facts at all to show that it has been or will be harmed. As indicated above, notably absent from MCI’s petition are facts to show that real callers have had any problems or that MCI has lost business as a result. And, perhaps most important, even if MCI had offered such facts, any harm would have been MCI’s own fault, because MCI had failed to adequately inform its customers about the new dialing arrangements.

Third, granting MCI’s request would disserve the public interest, as it has been repeatedly defined by the Commission. MCI wants to prolong the use of three-digit CICs in order to continue to reap the benefits of its stockpile of more than 100 three-digit CICs and perpetuate the dialing disparity that results. The Commission has already found that these results are not in the public interest.¹²

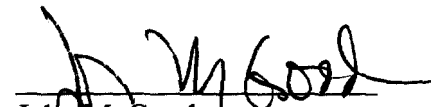
¹¹ MCI Pet at 5-6.

¹² *Second Report and Order* ¶ 27; *Declaratory Ruling* ¶ 22.

Conclusion

Bell Atlantic urges the Commission once again to reject MCI's attempt to delay the completion of the transition to four-digit CICs and to deny MCI's latest petition.

Respectfully submitted,



John M. Goodman
Attorney for Bell Atlantic

1300 I Street, N.W.
Washington, D.C. 20005
(202) 336-7874

Dated: August 19, 1998